

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 17, 2002

**D039073        People v. Mora**

**D039527        In re Mora on Habeas Corpus**

(Consolidated) The convictions are affirmed. The sentence is reversed and matter is remanded for resentencing in Mora's Presence. CERTIFIED FOR PUBLICATION. Huffman, J.  
We Concur: Kremer, P.J., O'Rourke, J.

**D038392        People v. Contreras**

The judgment is affirmed. McConnell, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D035911        Kraffert v. J.P. Shea Company, Inc.**

The judgment is affirmed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., McConnell, J.

**D037596        Alters v. Wolinski**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Nares, J.

**D039997        Recht v. State of California**

Pursuant to California Rules of Court, rule 8, the appeal is dismissed.

**D038247        People v. Julien**

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D038828        People v. Blackmon**

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., McConnell, J.

**D037707        Villarreal et al. v. Days Inn Corporation**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D037418        In re the Marriage of Johanesen**

Orders affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

**D039251        H.B. v. M.B. et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal Rules of Court, rule 19(b)).

**D039336        People v. Young**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38.)

**D035776        People v. McCloud**

**D040265        In re McCloud on Habeas Corpus**

The request for consolidation of the appeal and petition for writ of habeas corpus is denied.

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**D039193        In re Gabriela M., a Juvenile.**

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D037885        Bell v. Vista Unified School District et al.**

Order reversed with instructions to conduct further proceedings consistent with the views we have expressed. Respondent to recover his costs of appeal. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

**D034892        People v. Munoz**

**D036183        People v. Munoz**

As to appeal No. 34892, Munoz's appeal is dismissed as moot. As to appeal No. 36183, the order is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D039154        In re Kristen B. et al., Juveniles**

The orders are affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D039069        In re S.M. , a Juvenile**

The judgment terminating Ray and T.'s parental rights are reversed. The orders finding S. is a person described by section 300 and making her a dependent are also reversed. The court is directed on remand to hold a new jurisdictional and dispositional hearing. We also direct the court to comply with the notice provisions of the ICWA and, if Ray requests, conduct a hearing on his paternal status under Adoption of Kelsey S., supra, 1 Cal.4th 816. Haller, J.; I Concur: Nares, J.;  
I Concur by opinion: Huffman, Acting P.J.

**D039514        In re Krystal E., a Juvenile**

The judgment is affirmed. Nares, J.; We Concur: McDonald, J., O'Rourke, J.

**D037939        People v. Lopez**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D035776        People v. McCloud**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D037774        Willis v. Kerr Corporation**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D038715        People v. Romero**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D039875        In re V. H., a Juvenile.**

The appeal is dismissed. Benke, Acting P.J.; We Concur: Huffman, J., McConnell, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 18, 2002 (Continued)

**D037937        In re the Marriage of Favara/Atwell**

The orders appealed from are affirmed. As sanctions for a frivolous appeal, George shall pay Deborah the amount of \$9,658.36. George is also assessed \$6,000 sanctions for bringing this frivolous appeal, payable to the clerk of this court no later than 15 days after the date the remittitur is filed. The clerk of this court is directed to deposit said sum in the general fund. Deborah is also awarded costs on appeal. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

**D037578        People v. Celis**

To the extent the filed document is an effort to petition the court to grant rehearing it is denied.

**D040206        Arabia v. The Superior Court of San Diego County/Johnson**

The petition is denied.

**D038050        Hartford Fire Insurance v. Stoff**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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**D039753        Whitney v. Superior Court of San Diego County/Brown**

Let a writ issue directing the superior court to vacate its ruling of February 8, 2002, and enter an order denying Brown's section 425.13 motion to amend the complaint to add section 3294 punitive damages. Dr. Whitney to recover his costs on appeal. Haller, J.; We Concur Huffman, Acting P.J., McDonald, J.

**D037455        People v. Torres**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

**D038056        Neumann et al. v. Callahan & Blaine, APLC**

The order denying Callahan's petition to compel arbitration is affirmed. The Newmanns' cross-appeal is moot. The Neumanns are to recover their costs on appeal. Nares, Acting P.J.; We Concur: O'Rourke, J., McConnell, J.

**D039724        Cassandra C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. McConnell, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D038213        People v. Edwards**

The judgment is affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D039308        In re Marco A., a Juvenile**

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D037988        Kassab v. Godone-Maresca**

Judgment in favor of Godone-Maresca is affirmed. Order denying default judgment against Foytack is reversed and remanded for further proceedings consistent with the views expressed in this opinion. Godone-Maresca is awarded costs on appeal. McConnell, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D037734        People v. Barnes**

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D038688        Wilkerson et al. v. Sullivan**

The order denying Sullivan's motion for attorney fees is reversed and the matter is remanded for a determination of the merits of Sullivan's attorney fee requests. Sullivan shall recover her costs and attorney fees on appeal. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D036619        Rhino Linings of Poway, Inc. v. Rhino Linings USA, Inc. et al.**

The judgment is affirmed as modified in one respect: to delete any reference to Mr. Lewis as liable for the award of attorney fees. Costs on appeal to be borne by defendants and appellants. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 19, 2002 (Continued)

**D039977      Candice B. v. Superior Court of County of San Diego/San Diego County Health and Human Services Agency**

The attorney for petitioner Candice B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D040172      Lela H. v. Superior Court of County of San Diego/San Diego County Health and Human Services Agency**

The attorney for petitioner Lela H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D040196      Ana O. et al. v. Superior Court of County of San Diego/San Diego County Health and Human Services Agency**

The attorney for petitioner Ana O. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Ana O. is dismissed.

**D039967      In re Youngberg on Habeas Corpus**

The petition is denied.

**D039961      In re Young on Habeas Corpus**

The petition is denied.

**D040277      Goldman et al. v. The Superior Court of San Diego County/Goldman**

The petition is denied.

**D040314      In re Urias on Habeas Corpus**

The petition is denied.

**D040073      In re Ramirez on Habeas Corpus**

The petition is denied.

**D040285      Hooters of America, Inc. et al. v. Superior Court of San Diego County/Liberty Mutual Fire Insurance Company et al.**

The petition is denied.

**D039998      In re Gonzalez on Habeas Corpus**

The petition is denied.

**D039657      Attwood v. The Superior Court of San Diego County/McHutchinson et al.**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
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June 19, 2002 (Continued)

**D040075        In re Johnson on Habeas Corpus**

The petition is denied.

**D040003        In re Adamz on Habeas Corpus**

The petition is denied without prejudice to refile after consideration by the superior court.

**D040303        People v. Lawyer**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

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**D040091        In re Llorens on Habeas Corpus**

The petition is denied.

**D039889        In re McCurdy on Habeas Corpus**

**D039902**        (consolidated) The petition is denied.

**D036680        McGinnis v. Baxter Healthcare Corporation et al.**

**D037435**        (consolidated) The judgment and order are affirmed. Each party to bear its own costs.  
CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

**D038109        People v. McCarter**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D039131        In re Estate of Althea W. Nettleship**

Upon written request filed by appellant, the appeal is dismissed.

**D039783        People v. Superior Court of San Diego County/Angel L.**

Petition granted. Haller, J.; I Concur: Huffman J.; I Dissent: McDonald, J. (opinion)

**D040147        In re Cantera on Habeas Corpus**

Given the concession, we conclude no useful purpose could reasonably be served by issuance of an order to show cause and/or plenary disposition of the matter and grant the requested relief. The matter is remanded to superior court to vacate the sentence in case no. SCD162412 and set the case for re-sentencing consistent with this opinion. Huffman, J.; We Concur: Benke, Acting P.J., McConnell, J.

**D039378        Robinson v. San Diego Youth and Community Services**

Upon filing an abandonment of appeal, the appeal is dismissed.

**D039966        Vega-Roberts v. De Assis et al.**

This court's order of May 31, 2002, dismissing the above entitled appeal is vacated and the appeal is reinstated.

**D039408        Webb v. Sanchez**

Upon written stipulation filed by the parties to the appeal and cross-appeal, the appeal and cross-appeal are dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 21, 2002

**D036953        In re Marriage of Moore**

The Second Supplemental Judgment on Reserved Issues shall be modified by striking \$33,541 in the first paragraph, and replacing this figure with \$30,077. We affirm the judgment as modified. The parties to bear their own costs on appeal. Haller, J.; We Concur: Kremer, P.J., Huffman, J.

**D039293        People v. Martin**

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D037479        People v. Rabb**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D039209        People v. Roso**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D037797        Crawford v. Minor**

The judgment is affirmed. Appellant to pay costs on appeal. O'Rourke, J.; We Concur: McIntyre, Acting P.J., McConnell, J.

**D038158        People v. Pham**

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D039297        People v. Campos**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D037151        Pacific Millennium Trading Corporation v. Colliers Iloff Thorn et al.**

**D037741        Pacific Millennium Trading Corporation v. Colliers Iloff Thorn et al.**  
(consolidated) The petition for rehearing is denied.

**D039258        Promark Sports, LLC. v. Promotion Sports, Inc.**

Upon written request filed by appellant, the appeal is dismissed.

**D040150        In re Young on Habeas Corpus**

The petition is denied.

**D040263        Douglas v. Superior Court of San Diego County/People**

The petition is denied.

**D036917        Valenzuela Engineering, Inc. v. Carpenters-Contractors Cooperation  
Committee et al.**

Upon written stipulation filed by the parties, the appeal is dismissed. Each party to bear own costs on appeal.